

1
2
3 FIRST CAUSE OF ACTION
4 FOR FRAUD UNDER COMMODITY
5 FUTURES MODERNIZATION ACT OF 2000
6 7 U.S.C. § 6b
7 (AGAINST ALL DEFENDANTS)
8

9
10 28. Plaintiff incorporates herein by reference Paragraphs 1
11 through 27 of this Complaint as if fully set forth herein.
12

13 29. The Suppressed Facts and the MORONI suppressed fact, were
14 material facts of import to CRONIN in his decisions and of which he
15 was ignorant. These facts were suppressed by Defendants, despite
16 their obligation to disclose them, with the intent to defraud
17 CRONIN and with the intent to induce him to act in ignorance
18 thereof. The Initial Misrepresentations, the MORONI
19 Misrepresentations, and the WALES Misrepresentations were made with
20 the intent to defraud CRONIN and with the intent to induce him to
21 act thereon and were false and Defendants knew they were false. The
22 true facts were, among others, those reflected in the facts that
23 were suppressed and the fact that WALES was one of the worst
24 account representatives at MONEX who did not have CRONIN's interest
25 at heart, but was instead assigned to the account for the specific
26 purpose of causing CRONIN to lose his investments and to preclude
27 him from realizing his profits. Plaintiff is further informed and
28 believes that WALES did not believe that the price of silver would
increase at the time he so represented and warranted to CRONIN. In
addition, the Futures Contract and all Futures Transactions
emanating therefrom, are contracts for purchase and sale of a

1 commodity for future delivery within the meaning of 7 U.S.C. § 6(a)
2 requiring Defendants to comply with the registration requirements
3 of 7 U.S.C. § 6(a). Defendants entered the Futures Contract and
4 made the Futures Transactions thereunder in violation of 7 U.S.C.
5 § 6(a), all pursuant to their conspiracy. Accordingly, the Futures
6 Contract and all Futures Transactions thereunder are illegal off-
7 exchange contracts.

8
9 30. CRONIN acted in ignorance of the facts that were suppressed
10 and believed the representations and justifiably relied thereon.
11 Had CRONIN known the true facts CRONIN would not have entered into
12 the Futures Contract and would not have entered the Futures
13 Transactions and would, instead, have made investments in the
14 futures market with a legitimate company. Had CRONIN known the true
15 facts with regard to the MORONI Misrepresentations and Suppression
16 and the WALES Misrepresentations he would not have terminated his
17 "short" transactions.

18
19 31. Plaintiff is informed and believes that Defendants,
20 pursuant to their conspiracy, desired that the Futures Contract and
21 the Futures Transactions appear to be legitimate to CRONIN so as to
22 gain his trust and confidence with the intent that he would invest
23 substantial sums in short contracts with the intent of realizing a
24 large return and then utilized the MORONI Misrepresentations and
25 Suppression and the WALES Misrepresentations to cause CRONIN to
26 abandon the "short" transactions. Plaintiff is informed and
27 believes that in addition to causing CRONIN to lose in excess of
28 \$1.3 million of the dollars that he had invested, which Plaintiff

1 is informed and believes enriched Defendants, that Defendants were
2 also able to enrich themselves with the \$4 - \$5 million dollars in
3 profits that CRONIN would have realized had he not terminated his
4 "short" positions.

5
6 32. The foregoing fraud exercised by Defendants in connection
7 with the Futures Contract and the Futures Transactions were
8 violations of 7 U.S.C. § 6b. In addition to their culpability
9 pursuant to the conspiracy, Defendants are also all responsible for
10 said violations under 7 U.S.C. § 13c by reason of the fact that
11 each of the Defendants wilfully aided and abetted each of the other
12 Defendants in the commission of said violations.

13
14 33. As a proximate result of said violations Defendants have
15 caused Plaintiff to be damaged in an amount in excess of \$6.3
16 million and according to proof together with interest thereon at
17 the legal rate of 10% per annum.

18
19 **SECOND CAUSE OF ACTION**
20 **CALIFORNIA COMMON LAW FRAUD**
21 **(AGAINST ALL DEFENDANTS)**
22

23 34. Plaintiff incorporates herein by reference Paragraphs 1
24 through 31, inclusive, as if fully set forth herein.

25
26 35. As a proximate result of said fraud Defendants have caused
27 Plaintiff to be damaged in an amount in excess of \$6.3 million and
28 according to proof together with interest thereon at the legal rate

1 of 10% per annum.

2
3 36. In doing the acts alleged herein, and by reason of the
4 facts and circumstances alleged herein, Defendants, and each of
5 them, acted with oppression, fraud, and malice towards Plaintiff,
6 entitling Plaintiff to an award of punitive damages in an amount in
7 excess of \$24 million and according to proof.

8
9 **THIRD CAUSE OF ACTION**

10 **BREACH OF CONTRACT**

11 **(AGAINST ALL DEFENDANTS)**
12

13 37. Plaintiff incorporates herein by reference Paragraphs 1 -
14 31, inclusive, of this Complaint as if fully set forth herein.

15
16 38. As alleged above, Plaintiff and Defendant MONEX entered
17 into the Futures Contract and pursuant to that contract entered
18 into various Futures Transactions which were controlled by the same
19 terms set forth in the Futures Contract.

20
21 39. Plaintiff has performed all obligations required of it
22 under said contract and said transactions.

23
24 40. MONEX breached the agreement with Plaintiff pursuant to the
25 conspiracy alleged above by, among other things, providing through
26 WALES a purported account strategy that was intended to fail, by
27 providing an account representative that did not have the
28 experience and sophistication promised, by failing to provide a

1 seller from which CRONIN could buy the bars to cover short
2 transaction sales and failing to disclose to CRONIN that MONEX did
3 not want to do so, and by taking acts, and making statements and
4 representations that were calculated to deprive CRONIN of the
5 benefit of his bargain.

6
7 41. As a proximate result of said breaches Plaintiff has been
8 damaged in an amount in excess of \$6.3 million and according to
9 proof together with interest thereon at the legal rate of 10% per
10 annum and according to proof.

11
12 **FOURTH CAUSE OF ACTION**
13 **NEGLIGENT MISREPRESENTATION**
14 **(AGAINST ALL DEFENDANTS)**
15

16 42. Plaintiff incorporates herein by reference paragraphs 1
17 through 27 of this Complaint as if fully set forth herein.

18
19 43. Plaintiff alleges, in the alterative, that the MORONI
20 Misrepresentations, and the WALES Misrepresentations were made with
21 the intent to induce CRONIN to act thereon and were false and
22 Defendants made such representations with no reasonable ground for
23 believing them to be true. The true facts were those reflected in
24 the facts that were suppressed and the fact that WALES was one of
25 the worst account representatives at MONEX who did not have
26 CRONIN's interest at heart, but was instead assigned to the account
27 for the specific purpose of causing CRONIN to lose his investments
28 and to preclude him from realizing his profits. Plaintiff is

1 further informed and believes that WALES had no reasonable ground
2 to believe that the price of silver would increase at the time he
3 so represented and warranted to CRONIN.

4
5 44. CRONIN believed the representations and justifiably relied
6 thereon. Had CRONIN known the true facts CRONIN would not have
7 terminated his "short" transactions.

8
9 45. As a consequence of said misrepresentations and his
10 reliance thereon Plaintiff lost in excess of \$1.3 million of the
11 dollars that he had invested and is further informed and believes
12 that he lost \$4 - \$5 million dollars in profits that he would have
13 realized had he not been defrauded but for Defendants'
14 representations.

15
16 46. Accordingly, Defendants have caused Plaintiff to be
17 damaged in an amount in excess of \$6.3 million and according to
18 proof together with interest thereon at the legal rate of 10% per
19 annum.

20
21 47. In doing the acts alleged herein Defendants, and each of
22 them, acted with a wilful or conscious disregard of the rights of
23 Plaintiff, entitling Plaintiff to punitive damages in an amount in
24 excess of \$24,000,000 and according to proof.

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FIFTH CAUSE OF ACTION
CONSTRUCTIVE FRAUD
(AGAINST ALL DEFENDANTS)

48. Plaintiff incorporates by reference paragraphs 1 - 31, inclusive, of this Complaint as if fully set forth herein.

49. By reason of the facts alleged hereinabove, including the entry of the Futures Contract and the representations of Defendants to Plaintiff, either a fiduciary relationship or a confidential relationship in which Plaintiff placed trust and confidence in the integrity and fidelity of Defendants was formed between Plaintiff and Defendants.

50. By reason of said relationship Defendants, and each of them, had a duty not to gain any advantage over Plaintiff by misleading him to his prejudice. Thus, Defendants had an obligation of full and honest disclosure of all material facts known to Defendants with regard to the Futures Contract and the Futures Transactions.

51. Defendants breached that duty to Plaintiff's prejudice through the acts, statements, and suppressions of fact alleged hereinabove.

52. As a proximate result of said constructive fraud, Defendants have caused Plaintiff to be damaged in an amount in excess of \$6.3 million and according to proof together with

1 interest thereon at the legal rate of 10% per annum.

2
3 53. In doing the acts alleged herein, and by reason of the
4 facts and circumstances alleged herein, Defendants, and each of
5 them, acted with oppression, fraud, and malice towards Plaintiff
6 and/or acted with wilful disregard for the rights of Plaintiff,
7 entitling Plaintiff to an award of punitive damages in an amount in
8 excess of \$24 million and according to proof.

9
10 **SIXTH CAUSE OF ACTION**
11 **COMMON COUNT FOR**
12 **MONEY HAD AND RECEIVED**
13 **(AGAINST ALL DEFENDANTS)**
14

15 54. Plaintiff incorporates herein paragraphs 1 through 31 and
16 53 of this Complaint as if fully set forth herein.

17
18 55. Within the last two years, in Orange County, California,
19 Defendants, and each of them, became indebted to Plaintiff in a
20 sum, the exact amount of which is currently unknown, but which is
21 believed to be in excess of \$6.3 million, and according to proof,
22 for money had and received by Defendants for the use and benefit of
23 Plaintiff.

24
25 56. Neither the whole, nor any part, due to Plaintiff by
26 Defendants, as alleged herein, has been paid, and there is now due,
27 owing, and unpaid from Defendants, and each of them, to Plaintiff
28 a sum in excess of \$6.3 million and according to proof together

1 with interest thereon at the legal rate of 10% per annum and
2 according to proof.

3
4 WHEREFORE, Plaintiff prays judgment against all Defendants,
5 and each of them, as follows:

6
7 **ON THE FIRST AND THIRD**
8 **CAUSES OF ACTION**
9

10 1. For damages in an amount in excess of \$6.3 million
11 and according to proof, together with interest thereon at the legal
12 rate of 10% per annum and according to proof.

13
14 **ON THE SECOND, FOURTH,**
15 **FIFTH AND SIXTH**
16 **CAUSES OF ACTION**
17

18 1. For damages in an amount in excess of \$6.3 million
19 and according to proof, together with interest thereon according to
20 proof.

21
22 2. For punitive damages in excess of \$24,000,000 and
23 according to proof.

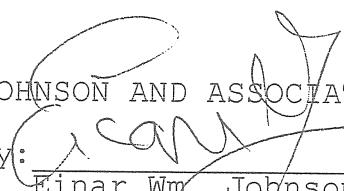
24
25 **ON ALL CAUSES OF ACTION**
26

27 1. For costs of suit, including reasonable attorney fees to
28 any extent allowed by law.

1 2. For such other and further relief as the court deems just
2 and proper.

3
4 Dated: November 14, 2008

JOHNSON AND ASSOCIATES

By: 
Einar Wm. Johnson
Attorneys For Plaintiff
DARTY CRONIN

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge David O. Carter and the assigned discovery Magistrate Judge is Marc Goldman.

The case number on all documents filed with the Court should read as follows:

SACV08- 1297 DOC (MLGx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☒ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Einar Wm. Johnson, Bar No. 111105 (310) 783-0035
 JOHNSONS AND ASSOCIATES
 2370 West Carson St., Suite 141
 Torrance, California 90501

Attorneys for Plaintiff DARTY CRONIN

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

DARTY CRONIN,

CASE NUMBER

PLAINTIFF(S)

SACV 08-01297 DOC (MLGx)

v.

MONEX DEPOSIT COMPANY, a California
 limited partnership, LOUIS CARABINI, MICHAEL
 CARABINI, MIKE MORONI, DAVID GALA,
 DAN J. C. WALES, AND DOES 1 - 200
 DEFENDANT(S).

SUMMONS

TO: DEFENDANT(S): MONEX DEPOSIT COMPANY, a California limited partnership, LOUIS CARABINI, MICHAEL CARABINI, MIKE MORONI, DAVID GALA, DAN J. C. WALES,
 A lawsuit has been filed against you. AND DOES 1 - 200

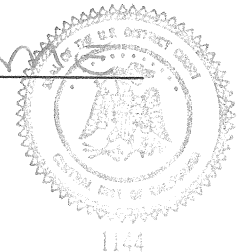
Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Einar Johnson/Johnson And Associates, whose address is 2370 West Carson St., Suite 141, Torrance, California 90501. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: NOV 14 2008

By: N. Boernigke
 Deputy Clerk

(Seal of the Court)



1144

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) Darty Cronin		DEFENDANTS Monex Deposit Company, a California limited partnership, Louis Carabini, Michael Carabini, Mike Moroni, David Gala, Dan J. C. Wales, and Does 1 through 200	
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Einar Johnson, Johnson And Associates, 2370 West Carson St., Suite 141, Torrance, California 90501 (310) 783-0035		Attorneys (If Known)	

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%; border: none;">Citizen of This State</td> <td style="width:10%; border: none; text-align: center;">PTF</td> <td style="width:10%; border: none; text-align: center;">DEF</td> <td style="width:33%; border: none;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%; border: none; text-align: center;">PTF</td> <td style="width:10%; border: none; text-align: center;">DEF</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 1</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 1</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 1</td> <td style="border: none;"><input type="checkbox"/> 4</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 4</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 2</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none;"><input type="checkbox"/> 5</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 3</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none;"><input type="checkbox"/> 6</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF	<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 4	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 5	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 6	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. ORIGIN (Place an X in one box only.)
☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)
CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ \$6,300,000 plus and punitives

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
7 U.S.C. Section 1, et seq - - action for fraud re commodities futures

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <div style="background-color: #f2f2f2; text-align: center; font-weight: bold;">REAL PROPERTY</div> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<div style="background-color: #f2f2f2; text-align: center; font-weight: bold;">PERSONAL INJURY</div> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <div style="background-color: #f2f2f2; text-align: center; font-weight: bold;">IMMIGRATION</div> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<div style="background-color: #f2f2f2; text-align: center; font-weight: bold;">PERSONAL PROPERTY</div> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <div style="background-color: #f2f2f2; text-align: center; font-weight: bold;">BANKRUPTCY</div> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <div style="background-color: #f2f2f2; text-align: center; font-weight: bold;">CIVIL RIGHTS</div> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<div style="background-color: #f2f2f2; text-align: center; font-weight: bold;">PETITIONS</div> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <div style="background-color: #f2f2f2; text-align: center; font-weight: bold;">FORFEITURE / PENALTY</div> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <div style="background-color: #f2f2f2; text-align: center; font-weight: bold;">PROPERTY RIGHTS</div> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <div style="background-color: #f2f2f2; text-align: center; font-weight: bold;">SOCIAL SECURITY</div> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <div style="background-color: #f2f2f2; text-align: center; font-weight: bold;">FEDERAL TAX SUITS</div> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number: **SACV 08-01297 DOC (MLGx)**

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
County of Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
County of Orange	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
County of Orange	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):

Date 11/14/08

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))